

A RESOLUTION BY FINANCE/EXECUTIVE COMMITTEE

01-R-1686

A RESOLUTION REAFFIRMING THE AUTHORIZATION AND INTENT OF THE CITY TO SETTLE A LAWSUIT BETWEEN THE CITY OF ATLANTA AND AMERICAN COMPUTER TECHNOLOGY, INC.; TO ESTABLISH A TIME FRAME WITHIN WHICH THE CERTIFICATION OF AVAILABLE FUNDS AND PAYMENT SHALL BE MADE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Resolution Number 01-R-1473, the City Council authorized the settlement of a lawsuit filed by American Computer Technology ("ACT"), American Computer Technology v. City of Atlanta, Civil Action File No. 2001CV35168, alleging among other things, that the City breached its contracts with ACT and, alternatively, sought recovery on the basis of quantum meruit against the City for the reasonable value of services rendered; and

WHEREAS, American Computer Technology, Inc. expressed its willingness to accept a full, complete and final settlement of all claims under both Contracts against the City which have been brought, or which could have been brought, for the total sum of Two Million Nine Hundred Thousand (\$2,900,000.00) Dollars.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES AS FOLLOWS:

Section 1: The Council hereby reaffirms the authorization and intent of Resolution Number 01-R-1473, authorizing payment in the amount of Two Million Nine Hundred Thousand (\$2,900,000.00) Dollars so as to conclude the full, final and complete settlement of all claims which have been brought or which could have been brought against the City and its officers, agents, and employees by American Computer Technology, Inc., pursuant to the terms outlined in Resolution Number 01-R-1473.

Section 2: The Chief Financial Officer has indicated that certification of the availability of funds is expected to be made within 90 days of October 5, 2001 so that American Computer Technology, Inc. can be paid; provided, however, that such certification and payment shall be made no later than February 15, 2002.